IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33574 of 2008
JIWAN YADAV, Son of Sri Amrit Yadav,
Resident of Village- Pipariya, P.S.- Pipariya,
District- Lakhisarai :------Petitioner.
Versus
STATE OF BIHAR:------Opposite Party

For the Petitioner : Mr. Shyama Prasad Mukherjee, Senior Advocate.
For the Opposite Party : Mr. Nitya Nand Tiwari, A.P.P.

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4. 08.12.2008. Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case under Section 302/34 of the Penal Code and Section 27 of the Arms Act. He is named in the First Information Report along with 14 others and charge-sheet was submitted against him and other in the year 2000 showing them absconder. It is submitted on his behalf that other eight named in the First Information Report have since been acquitted. Such submission will not persuade this Court to grant the petitioner bail at this stage as charge-sheet having been submitted against him in the year 2000 he remained absconding until he surrendered in some other case wherefrom remanded in the present case on 28.05.2008. Other co-accused, namely, Dinesh Yadav alias Police Yadav has been admitted to the privilege of bail by another Bench of this Court under orders dated 18.07.2006 passed in Cr. Misc. No. 11199 of 2006, Annexure-2. Said order will also not come to the benefit of the petitioner as Dinesh Yadav was not included in the initial charge-sheet submitted in the year 2000 as investigation remained pending against him. So far the order passed in the case of Gulo Yadav dated 18.09.2006, Annexure-2/1 is concerned, the same shall also have no application to the case of the petitioner as the same has been passed relying on the

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order passed in the case of Dinesh Yadav. Counsel for the petitioner then submitted that other absconders have also been admitted to the privilege of bail by different Benches of this Court. That may be so, but petitioner having remained absconder and having remanded from some other case, I am not inclined to release him on bail at this stage. His prayer for bail is, accordingly, rejected, however, with liberty to renew prayer for bail after completing one year in jail custody. In the meantime, the trial court (Addl. Sessions Judge, 4th, Fast Track Court at Lakhisarai) is directed to expedite the trial (Sessions Trial No. 695A/2000, arising out of Lakhisarai P.S.Case No. 151 of 2000).

(V.N.Sinha,J.)

P.K.P.

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